

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
NOVEMBER 21, 2000**

**Call to Order**

The 1850<sup>th</sup> meeting of the Milwaukie City Council was called to order by Council President Marshall at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Mary King

Larry Lancaster

Staff present:

Martha Bennett,  
Acting City Manager  
Gary Firestone,  
City Attorney  
Charlene Richards,  
Assistant City Manager  
Larry Kanzler,  
Police Chief

Alice Rouyer,  
Planning Director  
Michelle Gregory,  
Neighborhood Services Manager  
Kelly Somers,  
Fleet & Facilities Manager  
Ernie Roeger,  
Fleet Shop Foreman

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS AND AWARDS**

**City Hall Problem Solving Report**

**Gregory** introduced **Diane Weisenberg** and **Ed Zumwalt**, members of the City Hall Park/Transit Center Problem Solving Group. Other participants were Steve Campbell, Kelly Somers, Joe Sandfort, Steve Bartol, John Hipes, Chuck Miller, Brenda Mills, In Soon Kim, and Rosemary Crites.

The group was charged with identifying problems associated with the subject area and recommending possible solutions to those problems. In its meetings during the summer, the group found the problem also existed at Scott Park and the 21<sup>st</sup> Avenue and Monroe Street area. The problems were identified more specifically and included underage drinking and smoking, intimidation, loitering, graffiti, and vandalism.

During the process, the group identified the downtown's assets that included the City Hall and Scott Park grounds and amenities, the public's ability to freely gather in these public spaces, and the young people who meet and socialize downtown. The group felt many of the publicly-owned amenities could be "spruced up."

Some short term solutions were to partner more with downtown businesses, the Milwaukie Downtown Development Association (MDDA), and Historic Milwaukie

Neighborhood District Association (NDA); explore landscaping and lighting options to foster safety and limit access to some areas; and post park rules to clarify acceptable behavior. The High School's closed campus policy this school year has helped. Longer-term solutions would be to increase police presence; relocate the transit center; encourage the general community to use the public spaces; extend the exclusion area boundaries; and explore the possibilities of misdemeanor municipal court, juvenile diversion, peer court, and community service.

**Kanzler** reviewed the current exclusion process and estimated there were about 15 exclusion actions per month.

**Councilor Lancaster** asked if a misdemeanor court would have a significant impact.

**Kanzler** discussed juvenile diversion and the city and county court systems. He believed the most important element is the court appearance no matter where it takes place. He provided information on the diversion panel whose focus was on restitution and community service. Milwaukie is coordinating with Tri-Met on enforcement issues that might arise at the new transit center and how these could impact operations and the department budget.

**The Council directed Gregory to prepare a proposed change to the exclusion boundary in one month. Council President Marshall also requested a community service proposal.**

**Councilor King** stressed the importance of a police presence as soon as the new transit center opens.

## **CONSENT AGENDA**

**It was moved by Councilor Lancaster and seconded by Councilor King to adopt the Consent Agenda consisting of the City Council minutes of November 6 and 7, 2000. Motion passed unanimously among the members present.**

## **AUDIENCE PARTICIPATION**

**Steve Olson**, 10192 SE 40<sup>th</sup> Avenue, Milwaukie, Boat Ramp Relocation Committee member. On November 13, the Committee presented its recommendation to the Riverfront Board to incorporate the ramp in the riverfront project. Dave Obern, Oregon State Marine Board (OSMB), provided several conceptual drawings and indicated funding would be available to renovate the ramp and parking area. Olson felt the Board members showed contempt for the recommendation as well as for the conceptual designs. He believed the citizens had been compromised and asked what was considered acceptable behavior from advisory board members.

**Jim Bernard**, 12255 SE 41<sup>st</sup> Court, Milwaukie, Riverfront Board Chair. He explained the circumstances of the November 13 meeting and indicated he planned to write a letter of apology to Obern. The Boat Ramp Relocation Committee, chaired by Kathi Cardinalli, concluded there was no alternate site, and the landing should be

incorporated into the plan. Bernard supported maintaining the boat ramp but redesigning it in such a way as to make it more usable for others. He believed the City should give serious consideration to the state's funding offer.

**Jim Bernard** and **Ed Zumwalt** indicated they intended to continue efforts to purchase the Milwaukie Jr. High School site although the bond measure failed at the recent election. Bernard is asking the School District for a six-month grace period before the property goes on the market. During that time, he intends to develop a proposal for purchasing the property as well as for funding needed facility repairs.

**Councilor Lancaster** commented each Council member supported the bond measure, and any efforts are appreciated at this point.

**Mike Stacey**, 2740 SE Kelvin, Milwaukie, Boat Ramp Relocation Committee. He felt like an adversary after the last Riverfront Board Meeting. The State Marine Board recognizes the Milwaukie ramp is an important facility and is offering funds.

## **OTHER BUSINESS**

### **Facility Naming Policy and Procedure**

**Richards** was joined by **Mart Hughes**, Park and Recreation Board Chair, in the staff presentation. The proposed resolution adopts a policy and procedure for naming parks and other public facilities in the City and gives the Neighborhood District Associations (NDA) guidance on naming their neighborhood parks. The process can be initiated by residents or the City Council.

**It was moved by Councilor Lancaster and seconded by Councilor King to adopt the resolution adopting the City of Milwaukie policy and procedure for naming facilities. Motion passed unanimously among the members present.**

### **RESOLUTION NO. 33-2000:**

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE CITY OF MILWAUKIE POLICY AND PROCEDURES FOR NAMING FACILITIES.**

### **Police Vehicle Purchase**

**Somers** and **Roeger** presented the staff report and reviewed the City's standard criteria for replacing vehicles. Fleet proposes to purchase six new police vehicles and related specialized equipment in the amount of \$158,000.

**Roeger** discussed the types of police vehicle repairs including brakes, transmission, and suspension. These are good vehicles, but they do not get normal use.

**Somers** added after 3 years patrol cars are used for staff vehicles. He noted Ford makes the only police car available and offers a 3-year, 36,000 mile warranty. He explained the process for replacing detective cars used for surveillance. The City disposes of its old vehicles by holding an auction, and the proceeds help offset the purchase of new vehicles. When the City purchases new patrol cars, Fleet installs some of the special equipment, and Portland installs the radios and light bars.

**Council President Marshall** asked if upgrading to an Expedition or Tahoe would extend the vehicle life.

**Somers** responded these types of vehicles have not proven to have a longer life.

**It was moved by Councilor Lancaster and seconded by Councilor King to authorize the City Manager to sign purchase orders totaling \$158,000 for the purchase of 6 new police vehicles and specialized equipment. Motion passed unanimously among the members present.**

### **Fleet Vehicle Purchases**

**Somers** explained purchases were deferred last year, so there is an unusually large number this fiscal year. He reviewed the list of 11 vehicles scheduled for replacement. The total estimated cost is \$241,000. He added the vehicles being replaced will be auctioned.

**It was moved by Councilor King and seconded by Councilor Lancaster to authorize the City Manager to sign purchase orders totaling \$241,000 for the purchase of 11 new vehicles. Motion passed unanimously among the members present.**

### **DEQ Equipment Purchase**

**Somers** said the equipment allows Fleet to perform DEQ testing and certification. The Finance Director suggested it would be more cost effective to purchase the equipment than to lease it. The annual lease payment is \$10,800, and the cost to purchase is \$39,480.

**Roeger** added the useful life of the equipment is approximately 10 years.

**It was moved by Councilor King and seconded by Councilor Lancaster to authorize the City Manager to sign a purchase order in the amount of \$39,480 to purchase emission test equipment. Motion passed unanimously among the members present.**

## **Ballot Measure 7 Update**

**Rouyer** and **Firestone** discussed the ramifications of Measure 7, long- and short-term strategies, and an ordinance laying out a procedure for processing related claims.

**Firestone** said the basic provision allows compensation for government restrictions affecting property values. Little has been defined at this point, but there should be some clarification from the legislature through the statutes. The Attorney General will likely provide an opinion and some guidance; however, it will not be binding in court. Compensation is triggered by enactment, enforcement, or application of an ordinance applied after the December 7, 2000, effective date. The extent to which Measure 7 applies to previously adopted regulations is unclear at this time.

**Councilor Lancaster** commented the issue is the definition of a taking of what otherwise would have a fair market value.

**Firestone** explained there is arguably a claim when a regulation is enforced that restricts a property's use and the owner believes the property could have greater value if some prohibited use were allowed. Additionally, the claimant does not clearly have the burden of proof. Claims will have to be processed within 90 days with or without an adopted procedure in place. The proposed ordinance will specify documentation required for a valid filing.

**Bennett** added the established criteria will help determine if a claim is valid and if it is based on some type of identifiable market value.

## **Access Studio**

**Councilor King** requested an update on the cable access studio.

## **ADJOURNMENT**

**It was moved by Councilor King and seconded by Councilor Lancaster to adjourn the meeting. Motion passed unanimously among the members present.**

**Council President Marshall** adjourned the meeting at 7:40 p.m.

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Pat DuVal, Recorder